

1 PUBLIC SCOPING MEETING  
2 U.S. IMMIGRATION AND NATURALIZATION SERVICE  
3 AND  
4 JOINT TASK FORCE SIX  
5 SUPPLEMENTAL PROGRAMMATIC ENVIRONMENTAL IMPACT  
6 STATEMENT  
7 CONTINUATION OF THE JOINT TASK FORCE SIX  
8 ACTIVITIES ALONG THE UNITED STATES/MEXICO BORDER  
9

10 September 14, 1998

11 7:00 p.m.

12 Deming Civic Center

13 Deming, New Mexico  
14  
15

16 PARTICIPANTS:

17 Ralph Barrett, Moderator, Army Corps of Engineers

18 Ernesto Martinez, Border Patrol, El Paso

19 John Esquivel, Border Patrol, Washington, D.C.

20 Lt. Col. Steve Tennant, Joint Task Force Six

21 Chris Ingram, Gulf South Research, Inc.  
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1 (The meeting was called to order at 7:05 p.m.)

2 MR. BARRETT: If I may have your  
3 attention, we're running a little bit late, but  
4 we'll get started here. We needed a few extra  
5 minutes to get people signed in.

6 Good evening. My name is Ralph Barrett. I'm  
7 with the Army Corps of Engineers, and I want to  
8 thank you all for coming tonight. This is a public  
9 scoping meeting on the Programmatic Environmental  
10 Impact Statement--or what we'll call by its acronym,  
11 PEIS--for the Immigration and Naturalization Service  
12 Joint Task Force Six missions, primarily along the  
13 Southwest border.

14 Before any decision is made to implement any  
15 programs and accompanying strategies in these  
16 planning documents, both the Immigration and  
17 Naturalization Service, or INS, and Joint Task Force  
18 Six, whom we'll call JTF-6, must do a complete  
19 analysis of it. This type of broad analysis of  
20 plans is referred to as a Programmatic Environmental  
21 Impact Statement, or PEIS, rather than the more  
22 commonly known Environmental Impact Statement which  
23 analyzes a specific project that's proposed by the  
24 government.

25 Part of the process involves receiving public

1 input during this early phase of the PEIS, and this  
2 is called "scoping." At these scoping meetings that  
3 we'll hold along the border areas, we ask for public  
4 input on the scope or range of the issues that were  
5 not previously identified and should be considered  
6 for analysis in the PEIS. Comments received during  
7 these scoping meetings will be considered in the  
8 development of the draft PEIS.

9 We have two goals tonight. One is to provide  
10 information to you about INS and JTF-6 and to  
11 receive your comments regarding the scope of the  
12 supplemental PEIS. This will help INS address all  
13 concerns about the proposed action. Comments will  
14 be addressed in the draft PEIS.

15 Now, before introducing the members of the  
16 panel, I'd like to explain my role in this hearing.  
17 I'm not here as an expert on the PEIS. I'm with the  
18 Army Corps of Engineers out of Ft. Worth, Texas,  
19 with the INS Architectural Engineering Resource  
20 Center. My purpose is to ensure we have a fair,  
21 orderly meeting, and that all who wish to be heard  
22 will have a chance to speak.

23 Again, before introducing the members of the  
24 panel, we do have some distinguished visitors here.  
25 A representative of Senator Jeff Bingaman's office,

1 Alice Salcido, is here. We wish to welcome you.  
2 Thank you.

3 And also, Ruth Coleman, Luna County  
4 Commissioner. Thank you.

5 Members of the panel are Ernesto Martinez, the  
6 assistant patrol agent in charge in the El Paso  
7 Sector; John Esquivel, Headquarters, Border Patrol;  
8 Lt. Col. Steve Tennant with Joint Task Force Six;  
9 and Mr. Chris Ingram with Gulf South Research, Inc.

10 Other members of the federal government that are  
11 in attendance tonight include Linda Hash, the  
12 manager, seated over here; Debra Hood, environmental  
13 officer with INS; Ralph Able, who is with the INS  
14 regional office in Dallas; Gary Witt, the deputy  
15 assistant regional director for Border Patrol, also  
16 out of Dallas; and Milton Blankenship, the  
17 environmental officer for Joint Task Force Six. I'd  
18 also like to introduce Elsie Porter, our court  
19 reporter, who will be taking the minutes of  
20 tonight's meeting.

21 This evening's schedule will consist of Ernesto  
22 Martinez, who will provide a short overview of  
23 what's going on in the sector and what the sector's  
24 current needs are. Mr. John Esquivel from  
25 Headquarters Border Patrol will give a brief history

1 and provide a national perspective of the Border  
2 Patrol. Actually, John's going to speak first, then  
3 Ernesto is going to speak after him, so I've sort of  
4 introduced them out of order.

5 Lt. Col. Tennant will discuss the role of the  
6 military in constructing these types of projects;  
7 and, finally, Mr. Chris Ingram will discuss the NEPA  
8 process, or National Environmental Policy Act  
9 process, and give a time line for this PEIS.

10 After the presentations, we will open the  
11 meeting to your comments and concerns, and I'd ask  
12 that you limit your comments to five minutes. You  
13 can comment at this meeting in one of three ways:  
14 on comment sheets for those who would like to  
15 handwrite their comments, you can present them  
16 orally during the public comment period, or you can  
17 give them directly to the court reporter following  
18 the general comment session.

19 Those of you who want to make oral comments need  
20 to fill out a registration form, and one of these  
21 should have been provided to you upon sign-in. If  
22 you've not filled one out, but wish to do so, they  
23 will be available after the presentation.

24 The closing of tonight's comment period will end  
25 this meeting, but we will be available for

1 one-on-one discussions after the formal comment  
2 forum to answer any additional questions or provide  
3 more information. John.

4 MR. ESQUIVEL: Good evening, my name  
5 is John Esquivel. I am assistant chief with the  
6 United States Border Patrol headquarters in  
7 Washington, D.C. As Mr. Barrett said, I want to  
8 give you a brief history of the U.S. Border Patrol,  
9 an overview of our mission, operations, strategy and  
10 operational impact.

11 The U.S. Border Patrol was first organized by  
12 the then Commissioner General of the Immigration  
13 Service in 1904, and we were known as "Border  
14 Guards." Every once in a while, we're still called  
15 Border Guard, but we're Border Patrol agents.

16 In 1924, it was established by the Bureau of  
17 Immigration as the United States Border Patrol.  
18 Originally, it was part of the Department of Labor,  
19 but since 1940, it has become part of the Department  
20 of Justice.

21 The Border Patrol has 21 sectors throughout the  
22 United States, including the Border Patrol  
23 headquarters in Washington, D.C., the Border Patrol  
24 Academy in Glencoe, Georgia, and two satellite  
25 academies, one in South Carolina and one in

1 Artesia. Additionally, we also have a sector in  
2 Puerto Rico, which is one of 21 sectors.

3 The mission of the U.S. Border Patrol is to  
4 secure the external boundaries of the United States  
5 by preventing or deterring illegal entry, detecting  
6 and interdicting undocumented entrants, smugglers,  
7 narcotics, contraband and violators of other laws.

8 Border Patrol is designated the lead agency  
9 responsible for drug interdiction between the ports  
10 of entry. Our operations include line watch and  
11 sign cutting, traffic checkpoints, transportation  
12 check, air operations, marine patrol, horse and bike  
13 patrol, and our K-9 program.

14 The national Border Patrol strategy calls for  
15 prevention through deterrence, and it's a multi-year  
16 approach which calls for gaining, maintaining and  
17 extending control of the border.

18 Currently, we have four operations in effect.  
19 The first one started in 1993 called Operation Hold  
20 The Line, which commenced in the El Paso Sector.  
21 After that, we had Operation Gatekeeper, which  
22 covered San Diego Sector, El Centro Sector and Yuma  
23 Sector. We now have Operation Safeguard, which  
24 encompasses Tucson Sector.

25 In August of 1997, we launched Operation Rio

1 Grande, which encompasses Marfa, Laredo, Del Rio and  
2 MacAllen Sectors.

3 Border Patrol apprehensions for the Southwest  
4 border from October 1997 to May of 1998 are  
5 approximately 1,042,227, of which El Paso Sector is  
6 responsible for 85,261 during the same time period.

7 From October 1997 to July of 1998, El Paso  
8 Sector had 944 agents assigned to its sector. As I  
9 mentioned earlier, we are the first line of defense  
10 regarding the seizure and apprehension of narcotics  
11 between the ports of entry. The Border Patrol is  
12 responsible for 52 percent of all the marijuana  
13 seizures by federal agencies in fiscal year 1997.

14 From October 1997 to July 1998, 900 seizures  
15 have occurred in El Paso Sector, which has resulted  
16 in approximately 108,212 pounds of marijuana and  
17 2,263 pounds of cocaine. And that value is  
18 approximately \$161,318,752.

19 Nationwide, the Border Patrol has seized 14,994  
20 pounds of cocaine during the same time period,  
21 705,715 pounds of marijuana. I just want to  
22 highlight some significant seizures that occurred  
23 between July and August. I don't have the  
24 statistics for September; I've been out of the  
25 office.



1       As you can see, on July 13, agents seized 2,501  
2 pounds of marijuana in Brownsville, Texas, with a  
3 street value at \$2,000,800. On July 22nd, Border  
4 Patrol agents seized 2,534 pounds of marijuana in  
5 Laredo, Texas, street value, \$2,227,200. And on  
6 July 17th, agents in Rio Grande City seized 1,674  
7 pounds of marijuana with a street value of  
8 \$1,339,000.

9       In August of this year, on August 7, Border  
10 Patrol agents, along with Customs, conducted a joint  
11 operation that netted a seizure of 1,705 pounds of  
12 marijuana and 35 pounds of methamphetamine, street  
13 value of \$1,364,000 and \$1,120,000 respectively.

14       On August 8, agents in Laredo seized 500 pounds  
15 of cocaine valued at \$16,016,000. On August 10th,  
16 agents, again with Customs, seized 1,214 pounds of  
17 marijuana in Tucson, Arizona, with a street value of  
18 \$971,850.

19       These are significant seizures; however, it's  
20 something that occurs every day. We can attribute  
21 our success to our national strategy and our  
22 operations. What I'd like to point out is that the  
23 Border Patrol has received tremendous support from  
24 the folks in JTF-6. The support that we've received  
25 has resulted in millions of dollars in savings to

1 both the INS and the American taxpayers. We look  
2 forward to continue working with JTF-6 in  
3 accomplishing our mission.

4 Thank you for your time. Please welcome  
5 Assistant Chief Patrol Agent Ernesto Martinez.

6 MR. MARTINEZ: Good evening, ladies  
7 and gentlemen. Again, my name is Ernesto Martinez.  
8 I'm an assistant chief patrol agent in the El Paso  
9 Sector. The El Paso Sector consists of 12 Border  
10 Patrol stations, and we cover the entire state of  
11 New Mexico and the West Texas county of El Paso and  
12 part of Hudspeth County.

13 Border Patrol stations in New Mexico are  
14 Albuquerque, Deming, Lordsburg, Alamogordo,  
15 Carlsbad. And in Texas, we have El Paso, Ysleta,  
16 Fabens and Ft. Hancock. I think I might have missed  
17 one station.

18 As John said, our apprehensions for fiscal year  
19 to date 1998 are 119,763 apprehensions as compared  
20 to fiscal year 1997 of 119,973. We're about even  
21 right now. Our goal is, as John has stated,  
22 prevention through deterrence. That prevention  
23 includes the installation of technology. Right now,  
24 we have the Enforce System that is being utilized  
25 throughout the El Paso Sector. The Enforce

1 technology consists of inputting every apprehended  
2 alien into a computer through the use of a  
3 fingerprint system and a photograph. That system  
4 originally had about 500,000 criminal alien records  
5 inputted, and any match, we would set that  
6 individual up for deportation or prosecution.

7 Another technology is a sensor system. We're  
8 trying to install sensors throughout the immediate  
9 border area. Fencing and lighting is also a  
10 priority. It really assists the agents in trying to  
11 deter and prevent the entry of illegal aliens.

12 As John has said, our operational goals and  
13 objectives, of course, are to reduce illegal  
14 crossings into urban areas, construct primary and  
15 secondary fences along urban areas at the border,  
16 increase the number of lights in urban areas,  
17 construct lights within urban areas, and reduce and  
18 restrict amount of urban development directly  
19 adjacent to the border, reduce drug traffic at  
20 border crossings, install cameras to bolster border  
21 coverage within urban areas, and install sensors  
22 within the urban areas.

23 Our strategies are to, as I said, prevent and  
24 force illegal aliens into remote areas where the  
25 Border Patrol can maintain a strategic advantage,

1 place U.S. Border Patrol agents along the border  
2 with no more than maybe half mile to a mile apart,  
3 create a trap zone with multiple fences.

4       Illegal activities and trends: Drug smuggling  
5 is concentrated around ports of entry. Border  
6 Patrol, even though we apprehend a large number of  
7 narcotics through the border, and because of our  
8 effective strategies, a lot of these narcotics is  
9 coming through the ports of entry, especially  
10 downtown El Paso, what we call bridge runners or  
11 port runners.

12       Vehicle crosses or drive-through crosses usually  
13 occur only at the bridges due to the Rio Grande. Of  
14 course, out West out here, we have a lot of  
15 drive-throughs through the border, as a lot of you  
16 know.

17       I guess that'd be an overall of what we're  
18 trying to accomplish here in the El Paso Sector,  
19 also, with the inclusion of the number of personnel  
20 that we've set out in all the different stations.

21       Does anyone have any questions right now?

22       Thank you.

23                   MR. TENNANT: Good evening, ladies  
24 and gentlemen. My name is Lt. Col. Steve Tennant,  
25 and I'm the staff engineer for Joint Task Force Six,

1 or JTF-6 as we'll refer to it for the balance of the  
2 evening.

3 I'm here tonight to provide you information  
4 regarding what we do, how we do it, and the purpose  
5 for what we do. By the end of this presentation, I  
6 hope you will have a greater understanding of our  
7 organization, our purpose, and how we support the  
8 various federal, state and local law enforcement  
9 agencies in their efforts to stop the flow of  
10 illegal drugs into our communities.

11 This is the sequence I will use to explain JTF-6  
12 and how we operate. We'll start with the national  
13 drug control strategy and controls put forth by the  
14 president, explain the involvement of the Department  
15 of Defense in JTF-6, what the mission of our  
16 organization is, and the types of support we provide  
17 to law enforcement agencies.

18 The statistics you see here give you a broad  
19 view of the drug problem from a national level.  
20 Illegal drug use is responsible for a significant  
21 amount of criminal activity and causes a public  
22 safety and public health problem for governments at  
23 all levels.

24 An estimated \$83 billion per year is spent by  
25 governmental agencies to address drug-related

1 problems, with \$67 billion going to social programs  
2 such as treatment and education. An estimated \$16  
3 billion is spent on law enforcement efforts each  
4 year.

5 Drugs impact on the productivity of our work  
6 force, disrupt the educational system in our  
7 country, have a significant impact on law and order  
8 in our communities, affect our families, place a  
9 burden on our health care system.

10 To address these issues, the Office of Drug  
11 Control Policy, working at the direction of the  
12 president, formulated and published a National Drug  
13 Control Strategy which defines our national plan to  
14 combat drugs and treat drugs and assign goals and  
15 objectives by which we can measure the success of  
16 our efforts.

17 These are the goals laid out in the strategy  
18 published in February 1988. The Department of  
19 Defense and JTF-6 contributed to the attainment of  
20 these goals by providing support to law enforcement  
21 efforts to reduce drug-related crime and violence,  
22 assisting to shield America's land, sea and air  
23 frontiers, and assisting to break the foreign and  
24 domestic sources of supply.

25 The national objective is to reduce drug use and

1 availability by 50 percent by the year 2007.

2 JTF-6 is a Department of Defense task force  
3 established in 1989 to provide support to law  
4 enforcement agencies along the Southwest border.  
5 Since 1989, our responsibilities have grown to  
6 include the entire continental United States. The  
7 main focus of our support remains the four Southwest  
8 border states where over 80 percent of our missions  
9 occur.

10 Our most recent mission statement, approved  
11 earlier this year, is, "Joint Task Force Six  
12 synchronizes and integrates Department of Defense  
13 operational and technological training and  
14 intelligence support with drug law enforcement  
15 agency counter-drug efforts in the continental  
16 United States to reduce the availability of illegal  
17 drugs."

18 This slide shows you specific legislation by the  
19 Congress, which established JTF-6, and provides the  
20 legal constraints under which we operate. To  
21 summarize the various laws you see here, they  
22 authorized DOD to conduct training exercises in  
23 areas designated as drug interdiction areas,  
24 authorized JTF-6 to provide support to the  
25 counter-drug efforts, and authorized JTF-6 to assist

1 with detection and monitoring of cross-border  
2 smuggling activities.

3       These are the restrictions we operate under.  
4 All support must be at the written request of a law  
5 enforcement agency and must have a specific  
6 counter-drug nexus or linkage articulated. All  
7 JTF-6 activities must comply with the Posse  
8 Comitatus Act, as amended, which prohibits the use  
9 of U.S. military forces for police functions.

10       We may not violate the sanctity of the U.S. and  
11 Mexico border. We must follow rules of engagement  
12 which allow only the use of force in self-defense.  
13 Currently, no JTF-6 operations are authorized to  
14 carry weapons, and all security for operations are  
15 provided by the supported law enforcement agencies.

16       We are prohibited from collecting and  
17 maintaining information on U.S. persons and  
18 underground, independent intelligence oversight  
19 inspections to ensure compliance with this  
20 restriction. We may conduct no operations on  
21 private land without the express written permission  
22 of the landowner.

23       Our funds can only be expended on counter-drug  
24 support efforts. As you are probably aware, ground  
25 missions, which I will describe to you later, are



1 currently under suspension by the order of the  
2 Secretary of Defense. We still provide a wide range  
3 of operational, engineer, and general support to law  
4 enforcement agencies.

5 This slide sums up our involvement in the  
6 counter-drug effort. We provide support but are not  
7 police. We do not search people or property. We do  
8 not seize contraband, and we do not make arrests.

9 This slide shows you our process for providing  
10 support. All requests are initially processed  
11 through operational lines, which is an agency made  
12 up of federal agents and local law enforcement  
13 representatives. They validate that there is a  
14 counter-drug nexus to the request, then they provide  
15 us with our working priorities. Key point here is  
16 that we don't have a plan. The plan is given to us  
17 by law enforcement.

18 JTF-6 conducts independent reviews. Once the  
19 mission is approved by our command group, we solicit  
20 volunteer units to come participate. These units  
21 sign up because of the training benefit they receive  
22 which closely matches specific skills required for  
23 their war-time mission. For example, engineers  
24 building roads.

25 The mission is planned, briefed and approved by

1 JTF-6 and the law enforcement agencies, then formal  
2 orders are issued to begin the support. After each  
3 operation concludes, an exit review is conducted by  
4 the unit with law enforcement and JTF-6 to capture  
5 any lessons learned.

6 These are the operational missions we are  
7 authorized to perform. You see some in red, and  
8 I'll talk to those as we go through this.

9 Ground observation and reconnaissance is using  
10 military forces to watch smuggling grounds or patrol  
11 remote areas to locate marijuana plots or narcotics  
12 labs. Both these missions are under the suspension  
13 I spoke of earlier, and we conduct none of these  
14 operations at this time.

15 Aerial observation is the use of Department of  
16 Defense aircraft to spot drug growing areas or  
17 narcotics labs. Any information or activity is  
18 immediately passed to law enforcement for action.

19 Sensor missions involve monitoring smuggling  
20 corridors to detect and report activity to law  
21 enforcement. Ground sensor operations are covered  
22 by the suspension. We also provide medical  
23 evacuation support, transportation of supplies and  
24 equipment, and aviation support to transport seized  
25 drugs. And this allows the law enforcement agencies

1 to make arrests at the destination end of a  
2 smuggling lab. We will move it from point A to  
3 point B, and that way, it's just as if the load  
4 arrived as intended, and they can make an arrest at  
5 the other end.

6 I am the staff engineer, so this is a slide near  
7 and dear to my heart. Our engineers provide a wide  
8 range of assessment services to include project  
9 design, surveys, cost estimating, environmental  
10 assessments, and master planning of law enforcement  
11 infrastructure as requested. Our prior construction  
12 missions for border roads, fences and lights between  
13 the U.S. ports of entry along the Southwest border.

14 We also provide construction of training and  
15 operational facilities, such as small arms ranges,  
16 vehicle maintenance facilities, aviation support  
17 facilities, Border Patrol checkpoints and other  
18 structures throughout the United States.

19 We conduct these general support missions that  
20 you see here. Mobile training teams are small  
21 groups of subject matter experts requested by law  
22 enforcement to provide classroom and practical  
23 instructions. We typically provide about 150  
24 training teams per year to provide expertise in  
25 medical, firearms, intelligence and planning

1 techniques. We coordinate but do not directly  
2 provide specialized counter-drug training for the  
3 U.S. Army Military Police School. Topics include  
4 field police operations and special reaction team  
5 techniques.

6 Again, we just set that up for the law  
7 enforcement, but it's trained by the U.S. Army  
8 Military Police.

9 Technology. We provide the Border Patrol and  
10 other law enforcement agencies with the ability to  
11 tap into some of the technology that the Department  
12 of Defense has developed--for example, night vision  
13 devices, sensor equipment, equipment for detecting  
14 tunnels underneath the border, etc.

15 This is my final slide. What it shows you is  
16 what our vision is, and this vision is developed by  
17 the commanding general of JTF-6, and it goes into  
18 everything we do. It sums up what we're all about.  
19 We're a dedicated organization drawn from all four  
20 services, all components, active and reserve. We're  
21 committed to the service of our nation and support  
22 for our law enforcement agencies' success in  
23 counter-drug efforts.

24 This concludes my formal briefing. I will be  
25 followed by Mr. Chris Ingram, who will discuss the

1 process we will follow under the National  
2 Environmental Policy Act.

3 Ladies and gentlemen, thank you for your kind  
4 attention, and thank you for being here tonight.

5 MR. INGRAM: Thank you, Lieutenant.  
6 The National Environmental Policy Act, or NEPA, as  
7 it is commonly called, was passed by the U.S.  
8 Congress in 1969. It requires that any federal  
9 agency, that whenever they are proposing to  
10 undertake a project, or if they intend to commit  
11 significant resources for a project, that federal  
12 agency prepares a NEPA document.

13 Now, the purpose of a NEPA document is to  
14 provide full disclosure to the public of a proposed  
15 action, as well as all the anticipated impacts from  
16 those actions. It is to allow public participation  
17 in the decision making process, and it is to provide  
18 accurate, sound, objective data and impact analysis  
19 to the decision makers so that they can make an  
20 informed decision.

21 There's three levels of NEPA documentation shown  
22 here at the bottom: categorical exclusion,  
23 environmental assessment and environmental impact  
24 statement, and the last one is the one we're going  
25 to be dealing with, as Col. Tennant and Ralph

1 indicated, this is a programmatic environmental  
2 impact statement. But whenever we prepare an EIS,  
3 NEPA and the President's Council on Environmental  
4 Quality require the scoping process, and that's why  
5 we're here tonight.

6 I'd like to go over the entire NEPA process.  
7 Whenever a federal agency has a need that's  
8 identified, they will then try to formulate various  
9 alternatives or proposed actions that will satisfy  
10 that need. If it is an EIS, such as in this case,  
11 we'll issue a notice of intent and publish that in  
12 the Federal Register.

13 A notice of intent with EIS was published in the  
14 Federal Register on August 28, which initiated the  
15 public scoping process. We then enter into a public  
16 scoping. All the comments we receive during this  
17 process will be incorporated into a draft document  
18 that will be released to the public for review for a  
19 minimum of 45 days, after which we'll gather other  
20 comments, and we'll prepare a final EIS based on all  
21 those comments. And that document will also be  
22 reviewed for a minimum of at least--for public  
23 review for a minimum of 30 days, after which the  
24 record of decision will be published in the Federal  
25 Register.

1       INS and JTF-6, as all of you know, have been  
2       conducting a lot of projects along the border, and  
3       they've been complying with NEPA in several  
4       different ways. First of all, in 1994, they issued  
5       the record of decision and the final documents for  
6       programmatic EIS that covered the entire border  
7       area. Since then, they have been preparing  
8       site-specific or project-specific environmental  
9       assessments which have been tiered or connected to  
10      that 1994 programatic EIS. This is required and  
11      recommended under NEPA and Council on Environmental  
12      Regulations.

13      Many of those projects have required cultural  
14      and biological resource surveys, and many of the  
15      major construction actions have also required  
16      on-site monitoring to ensure that impact to  
17      essential natural resources are not impacted.

18      All of these past NEPA documents and the one  
19      that we will be doing, of course, have to comply  
20      with various levels of environmental statutes and  
21      regulations, not the least of which the federal  
22      statutes would be NEPA, Endangered Species Act,  
23      National Historic Preservation Act, some of the  
24      executive orders and memorandums, Army Regulations,  
25      and INS Regulations. An executive order that was

1 just recently promulgated was the Environmental  
2 Justice Executive Order. And, of course, there's  
3 numerous other state statutes, regulations and  
4 permits.

5 As I mentioned, there is a 1994 programmatic EIS  
6 that had a window of five years. That window is  
7 coming to a close next year, and that is why INS and  
8 JTF-6 have decided to start early in the NEPA  
9 process and supplement that 1994 programmatic EIS.

10 This supplemental programmatic EIS will be  
11 formatted very similar to the 1994 EIS in that the  
12 existing conditions or baseline conditions, if you  
13 will, will be described in five separate volumes.  
14 These will be released to public libraries all along  
15 the border, and then the contents of these will be  
16 summarized and incorporated by reference into the  
17 supplemental programmatic EIS.

18 Some of the goals of the Programmatic EIS is to  
19 identify the types of INS/JTF-6 actions that are  
20 anticipated for the next five years. They will also  
21 describe in generic terms the impacts that are  
22 expected from these types of actions.

23 It will discuss the cumulative impacts of both  
24 past projects, as well as those that are anticipated  
25 for the next five years. This is for the entire



1 program. And, of course, as I mentioned, it will  
2 provide the accurate and objective data so that the  
3 decision makers can make informed decisions.

4 Some of the benefits--it does provide full  
5 public disclosure of all the anticipated projects  
6 and the anticipated impacts over the next five  
7 years, eliminates repetitive discussions, thereby  
8 saving the INS, JTF-6 and the taxpayers time and  
9 monies. It provides an accurate assessment of the  
10 cumulative impact for the entire program, which is  
11 fairly unique for federal agencies to address their  
12 entire program.

13 And through the whole process, we will maintain  
14 a coordination with the various federal and state  
15 resource agencies and provide some very valuable  
16 information they wouldn't get otherwise.

17 I want to emphasize that just preparing this and  
18 publishing this supplemental programmatic EIS will  
19 not allow INS, JTF-6, or any other federal agency  
20 that would tier from the document to conduct a  
21 project without first complying with NEPA,  
22 Endangered Species Act, National Historic  
23 Preservation Act, or any other federal or state  
24 environmental statute or regulation. They're still  
25 going to have to comply. The schedule that we have

1 tentatively right now, the one we're shooting for,  
2 is: Notice of intent was published August 28. That  
3 initiated the scoping process. This is the--tonight  
4 is the first public scoping meeting of a series of  
5 10 that are going to be held all along the border,  
6 and we're going to receive comments all the way up  
7 to December 16. And we're shooting for a draft  
8 document to be released in February of '99.

9 As I mentioned earlier, we'll have that out for  
10 public review for a minimum of 45 days. It will  
11 incorporate all those comments, prepare a final  
12 supplemental PEIS. We're shooting to have that  
13 ready for September to be released again for public  
14 review and comment, and hope to have a record of  
15 decision in November 1999, which will be concurrent  
16 with the closure of the 1994 PEIS.

17 That concludes my presentation. We'll turn it  
18 back over to Ralph Barrett, who will open up the  
19 floor for public comments.

20 MR. BARRETT: Okay, has everyone who  
21 wants to speak turned in a card? I just want to be  
22 sure. If not, raise your hand or stand up, get our  
23 attention. We'll come and get it from you, or we  
24 can bring you a blank if you need it. I want to be  
25 sure that everyone who wants to speak has a fair

1 chance to speak and to be heard. We have a court  
2 reporter that I introduced earlier who will record  
3 word for word everything that's said, and this  
4 verbatim record will become part of the draft PEIS.

5 This will allow the document preparers to review  
6 your comments exactly the way they were stated so  
7 they can make sure your comments are accurately and  
8 completely addressed. With that in mind, I want you  
9 to help me enforce the ground rules of tonight's  
10 meeting.

11 First off, speak only after I recognize you, and  
12 please address your remarks to me. If you have a  
13 written statement, you may leave it with me, or you  
14 may read it out loud, or both, as long as the time  
15 limitations are observed.

16 Second, please speak clearly and slowly,  
17 starting with your name, address and the capacity in  
18 which you appear. For example, public officials,  
19 designated representative of a group, or interested  
20 citizen. And this will help our court reporter  
21 prepare the transcript.

22 Third, please observe time limits. Everyone  
23 will have five minutes to speak, and when you reach  
24 your allotted time, I'll raise my hand, and please  
25 finish up quickly so we may hear the next speaker.

1 Fourth, please honor any requests that I make of  
2 you to stop speaking after your allotted time. If  
3 you have more comments than you can present in five  
4 minutes, take some time now to prioritize them so  
5 that the most important comments are spoken first.

6 If you later decide you have more comments  
7 following this meeting or have additional  
8 considerations you wish to have addressed, please  
9 provide them to us in writing either at tonight's  
10 hearing or by mail.

11 And fifth and last, please do not speak while  
12 another person is speaking. Only one person will be  
13 recognized at a time.

14 Okay, we have the issues up here for  
15 consideration and for everyone to keep on track. I  
16 have received a request for one person to speak--and  
17 one more coming, okay.

18 Okay, our first speaker that I would like to  
19 recognize is Jim McCormick.

20 MR. MCCORMICK: My name is Jim  
21 McCormick. I'm a representative for the U.S. Bureau  
22 of Land Management, Las Cruces Field Office. I'm  
23 the assistant field manager. My address is 1800  
24 Marquess, Las Cruces, New Mexico 88005.

25 I'd like to comment a little bit about the

1 request that we've had from our farmers and ranchers  
2 along the international border. Several years ago,  
3 State Representative G.X. McSherry requested that we  
4 look into obtaining, if you will, funding for the  
5 reconstruction of portions of our international  
6 border fence. That had been an ongoing effort with  
7 Senator Bingaman's office, Congressman Joe Skeen,  
8 and Senator Pete Domenici's office.

9 In research of this, we found that most of the  
10 agencies that worked along our international border  
11 did not have authority to obtain the funding and do  
12 the reconstruction of the fence. We researched the  
13 history, and the fence itself had special  
14 authorization back there in the Roosevelt  
15 administration.

16 The information that we gained through scoping  
17 with our public land allottees and the landowners  
18 along the border will be given to the JTF-6 and INS  
19 and their environmental contractors and incorporate  
20 that for this Southern New Mexico region.

21 We support the efforts of this group. The road  
22 system in this area has deteriorated significantly.  
23 This has been of a concern to not only our Border  
24 Patrol agents, but to the agency as well for the  
25 loss of soil erosion along this area. And part of

1 the construction work we hope to see would improve  
2 the health of the land through the repairing of  
3 these watersheds.

4 And just finally, just a note, that we that work  
5 along the border appreciate the protection that  
6 we're given. I have 14 employees who work in the  
7 area in remote areas, and they're oftentimes out  
8 there by themselves constructing vegetative studies,  
9 working in our wildlife program or watershed  
10 program, and we certainly appreciate the efforts of  
11 the Border Patrol as being someone that we can rely  
12 upon when our staffs are out there.

13 I think that pretty much covers our comments.  
14 We will provide the information we've gathered to  
15 this group for incorporation in their preliminary or  
16 programmatic environmental impact statement.  
17 Thanks.

18 MR. BARRETT: Thank you, Mr.  
19 McCormick. The next speaker will be L.D. Barron.

20 MR. BARRON: Well, I've got to say in  
21 all this NEPA, EIS, ABC acronym stuff is just making  
22 my head spin, okay? And I tell you what, I talked  
23 to neighbors and friends, it makes their heads spin,  
24 too. They really don't know what's going on and  
25 what this is all about.

1 I also know that the Posse Comitatus Act has  
2 been perverted in its meaning and intent since  
3 1989. I know a lot of patriotic Americans feel the  
4 same way. Sometimes laws are wrong. I'm sure JTF-6  
5 is perfectly legal. I'm sure a lot of things our  
6 government does is perfectly legal. But that's the  
7 complaint of a lot of patriotic Americans, that the  
8 courts and laws have gone off track.

9 And I would just like to ask a question to the  
10 moderator, of all of the people speaking here  
11 tonight, somewhere in your heart, don't you realize  
12 that the founding fathers would be turning over in  
13 their graves if they knew JTF-6, that the military  
14 was out there for any domestic law enforcement? Do  
15 any of you have a response to that?

16 MR. BARNETT: The purpose tonight is  
17 to address the issues here. The items that you see,  
18 vegetative wildlife, habitat, species, cultural  
19 resources, socioeconomics, and water quality. We're  
20 really not here to address the political side of any  
21 question as to the legitimacy.

22 MR. BARRON: I think it's a question  
23 of our freedoms. I just wonder--especially the guys  
24 wearing the uniform of our proud fighting forces,  
25 and I presume they're patriotic persons. I'd just

1 really like to know if they don't realize in their  
2 heart that this is wrong? But I know you're not  
3 going to let him answer, so--

4 MR. BARNETT: Again--thank you.

5 Okay, is there anyone else that would like to  
6 make a statement?

7 Okay, that's the close, then, of the formal  
8 comment period. As I indicated earlier, we will be  
9 hanging around here for a while if you want to speak  
10 to any of us one on one for any type of  
11 information. But that does close our meeting here  
12 for tonight.

13 If you would like to mail in comments, the  
14 address is on the public scoping meeting handout  
15 that was given to you, bottom right-hand corner.  
16 Send your comments to that address, and we can get  
17 those into the information for the programmatic  
18 EIS.

19 I'd like to thank you all for taking time to  
20 come out and listen to us this evening. Hope you  
21 have a great evening, and if we can be of any  
22 assistance, please let us know. Thank you very  
23 much.

24 (The meeting concluded at 7:54 p.m.)  
25



## REPORTER'S CERTIFICATE

I, ELSIE R. PORTER, do hereby certify that I was a Certified Court Reporter for the State of New Mexico on September 14, 1998

I further certify that the preceding 32 pages is a true and correct transcript of the public hearing held on that date, to the best of my knowledge and ability.

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Elsie R. Porter, CCR #61